

Article - Environment

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§15–1206.

(a) If the title to a severed mineral interest is vested in an unknown or missing owner, the circuit court of the county where the severed mineral interest is located may on petition, and after notice and a hearing:

- (1) Place the severed mineral interest in trust by order;
- (2) Appoint a trustee for the unknown or missing owner;
- (3) Order the trustee to create a separate trust bank account to manage all trust assets;
- (4) Authorize the trustee to sell, execute, and deliver a valid lease on the minerals to the owner of the surface estate; and
- (5) Place conditions on the authorization in item (4) of this subsection.

(b) A petition to create a trust for a severed mineral interest and to appoint a trustee under subsection (a) of this section may be filed by a person vested in fee simple with the whole or undivided interest in the surface estate or estates.

(c) (1) If the unknown or missing owner of a vested severed mineral interest does not contest a trust created under subsection (a)(1) of this section on or before 5 years after the date that the court issued the order creating the trust, the trustee shall file a petition to terminate the trust and to convey title to the severed mineral interest to the surface owners.

- (2) The petition in paragraph (1) of this subsection shall:
 - (i) Name as defendants:
 1. The surface owners; and
 2. Any other person with a legal interest in the severed mineral interest, including any unknown or missing owners; and
 - (ii) Include:

1. A legal description of the severed mineral interest;
2. A description of the putative property interests of each of the parties;
3. The last known address of each of the parties;
4. An affidavit signed by the surface owners, affirming fee simple ownership of the surface estate or estates, and requesting the court to convey title to the severed mineral interest at issue; and

5. An affidavit signed by the trustee, affirming that after conducting a diligent inquiry, including a search in the county where the severed mineral interest is located, performed in accordance with generally accepted standards of title examination of the land records of the county, records of register of wills of the county, and records of the circuit court for the county, the trustee cannot locate the unknown or missing owner.

(d) Following a petition by the trustee made under subsection (c) of this section, the court shall, after notice, hold a hearing on the motion and enter an order requiring the trustee to convey the unknown or missing owner's mineral interest to the named surface owners if:

(1) The unknown or missing owner does not appear to contest the petition; and

(2) The court finds that the individuals named in the petition as the surface owners are in fact the fee simple owners of the surface estate or estates.

(e) If the court orders the conveyance in accordance with subsection (d) of this section, the trustee shall:

(1) Convey by recordable instrument the unknown or missing owner's severed mineral interest to the named surface owners;

(2) Pay from any trust account all required taxes, court costs, expenses, and fees, including any fee for services to the trustee authorized by the court;

(3) Pay any balance remaining in any trust account after the payments set forth in item (2) of this subsection to the named surface owners;

(4) Close any trust account; and

(5) Make a final report to the court accounting for the financial transactions of the trust.

(f) After the conveyance to the surface owners in accordance with subsection (e) of this section, the surface owners shall be entitled to receive all proceeds from the lease of the mineral interest conveyed.

(g) After receiving the final report of the trustee in accordance with subsection (e)(5) of this section, the court shall order the trust terminated and the trustee discharged.

(h) (1) A trust created under this section shall be administered by the court as provided by the Maryland Rules.

(2) Under this section, procedures for notice to interested persons, the forms of petitions, and the conduct and requirements at a hearing shall be as provided by the Maryland Rules.

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